

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In the Matter of Arbitration between

STEVEN M. JOHNSON, P.C.,
d/b/a THE JOHNSON LAW FIRM
Plaintiff,

v.

WILLIAM DRAKE,
Defendant.

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Case No. 3:16-cv-00493-D

**STEVEN M. JOHNSON, P.C., D/B/A THE JOHNSON LAW FIRM'S
RESPONSE TO COURT ORDER, DOC. # 12**

Plaintiff Steven M. Johnson, P.C., d/b/a The Johnson Law Firm, by and through its counsel, Wallach & Andrews, P.C., hereby files its Response as required by Order of the Honorable Sidney Fitzwater, concerning failure to disclose a related case on the Civil Cover Sheet, Doc. #1-1.

**I.
RESPONSE**

A. Plaintiff Steven M. Johnson, P.C., d/b/a The Johnson Law Firm, through its attorneys, Wallach & Andrews, filed a Petition to Compel Arbitration [Doc. #1], on February 22, 2016. By way of this Petition, Johnson seeks an order pursuant to 9 U.S.C.A. § 4 basically compelling Defendant, William "Scott" Drake, to continue to participate in an ongoing arbitration located at Dallas JAMS, Ref. No. 1310021501, which is set for final hearing on April 4, 2016. Plaintiff seeks this relief since on or about February 16, 2016, Defendant filed another arbitration before another arbitrator not selected by both parties and in another venue.

B. The failure to identify the Complaint, Application for Arbitration, and Request for Declaratory Relief which had been filed against Drake on August 1, 2014, Cause No. 14-cv-00611-A,

on the initial Civil Cover Sheet [Doc. #1-1] accompanying the Petition was an oversight solely by counsel for Plaintiff, for which counsel takes full responsibility. The 2014 Northern District case seeking to send the dispute to arbitration at the time, as well as the prior product liability case, were identified and discussed in the Petition and Amended Petition to Compel Arbitration under Section C, Prior Actions, and Section D, Facts, Paragraph 16.

C. While Defendant has been served with the Summons of both the Petition and First Amended Petition to Compel Arbitration, he has not formally answered at this time. However, since Defendant is represented by counsel, Plaintiff has provided Defendant's attorneys with courtesy copies of the Petition and First Amended Petition to Compel Arbitration, as well as all attachments. Counsel for Defendant did advise that the Civil Cover Sheet lacked the requisite information about the Northern District case, and counsel for Plaintiff rectified that omission on March 2, 2016 [Doc. #11]. There are no pending cases.

D. Again, failure to include the information about the closed related case was an oversight on counsel's part. Sincerest apologies are extended to the Court and the Court's Staff for problems and inconvenience this has engendered.

Dated: March 9, 2016.

Respectfully submitted,

By: /s/ Jennifer M. Andrews
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**ATTORNEYS FOR STEVEN M. JOHNSON,
P.C., D/B/A THE JOHNSON LAW FIRM**

CERTIFICATE OF SERVICE

I certify that on this the 9th day of March 2016, a true and correct copy of the foregoing was served on all counsel of record:

Ashley Raso, via email araso@meshbesh.com
Meshbesh & Spence
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Minneapolis, Minnesota 55404

/s/ Jennifer M. Andrews

of Wallach & Andrews, P.C.